

ORIGINAL

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Superior Court of California  
County of Los Angeles

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By [Signature] Deputy  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

18STCV03011

Case No.

PAULINE MEDINA, an individual,

Plaintiff,

v.

JOSE HUIZAR, an individual; CITY OF LOS  
ANGELES, a municipality; and DOES 1-10,  
inclusive,

Defendants.

VERIFIED COMPLAINT  
FOR DAMAGES

**First Cause of Action**

Retaliation  
(Cal. Gov. Code § 12940(a),(h))

**Second Cause of Action**

Retaliation  
(Cal. Labor Code § 1102.5(b))

**Third Cause of Action**

Wrongful Termination in Violation of  
Public Policy

**Fourth Cause of Action**

Failure to Prevent Discrimination  
(Cal. Gov. Code § 12940(k))

**Fifth Cause of Action**

Workplace Harassment  
(Cal. Gov. Code § 12940(a),(h),(j))

**Sixth Cause of Action**

Intentional Infliction of Emotional Distress

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff Pauline Medina (“Ms. Medina” or “Plaintiff”), who brings this Verified Complaint for Damages and Demand for Jury Trial (“Complaint”) against Defendants—Jose Huizar, Councilmember for the City of Los Angeles’ 14th District, in his individual capacity, the City of Los Angeles (the “City”), a municipality, and Does 1-10, inclusive (collectively, “Defendants”)—alleging, based upon personal knowledge and information and belief, the following with respect to Defendants’ identities and conduct:

**I.**

**NATURE OF THE CASE**

1. Plaintiff Pauline Medina, a former City employee and longtime staffer in the office of Los Angeles City Councilman Jose Huizar, hereby brings this action pursuant to California’s Fair Employment and Housing Act alleging that her employment was wrongfully terminated in retaliation for: (i) voicing discomfort and complaints about some of Huizar’s and his office’s practices that she believed violated local, state, and federal law; (ii) voicing concerns and complaining about the preferential treatment Huizar was giving to a City staffer with whom he was having an extramarital affair; and (iii) taking sick and disability leave on account of the stress, anxiety, and panic attacks she was suffering as a result.

2. In 2017, as did other of the Councilman’s staffers, Ms. Medina became aware that Huizar was having another affair with one of the women that worked for him in his office. Ms. Medina had worked for Huizar for nearly a decade, so was aware of his previously-admitted affair in 2013 with his former deputy chief of staff and the resulting sexual harassment lawsuit that that deputy filed against the Councilman and the City.

3. Ms. Medina recalled vividly the type of friction and hostility that Huizar’s prior affair caused in the office and could see that the Councilman’s new relationship was triggering the same type of issues. Ms. Medina, as did other of the Councilman’s staffers, believed that Huizar’s mistress was receiving more favorable treatment with respect to assignments and more leniency with respect to deadlines and attendance. So, in October 2017, Ms. Medina began speaking out about it and complained to Huizar’s chief of staff.

1           4.       Ms. Medina also at that time began complaining about certain practices employed  
2 by the Councilman's office that she believed violated local, state, and federal law, such as  
3 funneling City money to Huizar's high school alma mater, Salesian High School, and secretly  
4 using City funds to pay for Huizar's personal expenses.

5           5.       Ms. Medina also began complaining at that time about the lack of boundaries  
6 between she and other staffers' responsibility for having to assist Huizar with his work agenda as  
7 opposed to his personal life. Huizar frequently demanded that Ms. Medina and other staffers  
8 pick up his dry-cleaning and contact lens refills, take his car to get washed, drop off and pick up  
9 his children from school, and even go to his house to move his wife's car from one side of the  
10 street to the other to avoid getting a street-sweeping ticket.

11          6.       Ms. Medina had no choice but to speak up—both on account of her own morality  
12 and for her own sanity. Ms. Medina was the Councilmember's office manager and lead  
13 administrator, so was often the sounding board for other staffers who came to her with their own  
14 frustrations about the office's practices and Huizar's mistress' preferential treatment. This  
15 caused Ms. Medina extreme anxiety, which manifested in the form of debilitating migraines,  
16 stress-induced muscle pains, and panic attacks.

17          7.       Huizar and his chief of staff retaliated against Ms. Medina for speaking out and  
18 undertook a campaign to push her out of the office. Among other things, Ms. Medina was  
19 stripped of certain duties and responsibilities she had long held in the office, stripped of access  
20 to Huizar's calendar, subjected to unreasonable and unjustified criticism of her work, and  
21 subjected to unsympathetic criticism for taking time off for health reasons.

22          8.       Huizar and his chief of staff even went so far as to report Ms. Medina to the  
23 City's Personnel Department in order to instigate an audit of her attendance given that she  
24 had been taking days off on account of the migraines and anxiety she had been suffering as direct  
25 result of their retaliatory conduct. According to an investigator retained by the City Attorney's  
26 Office to examine the matter, Huizar and his chief of staff approached the Personnel Department  
27 about Medina (but not any other staffer) because the Councilman had suddenly become  
28 "curious" about Ms. Medina's sick leave.

1           9.       Huizar's instigation of the attendance audit was pretextual—that is, retaliation for  
2 Ms. Medina's complaints about the office's practices and the preferential treatment given to  
3 Huizar's mistress. It was a show of force. Huizar wanted Ms. Medina to know the type of  
4 power and influence he could wield over various City departments and resources and that she  
5 would be powerless to challenge him.

6           10.       Ultimately, Ms. Medina's primary care physician recommended that she  
7 take a medical leave of absence from work, which she did in beginning February 2018. When  
8 Ms. Medina returned to work in May 2018, however, the retaliatory campaign to push her out  
9 of the office resumed.

10          11.       On her first day back in the office, Huizar's chief of staff met with Ms. Medina  
11 and "suggested" that she might be happier working in another City department. Ms. Medina  
12 knew exactly what the chief of staff was trying to convey—that he and Huizar were no longer  
13 happy with *her* and wanted her gone.

14          12.       Ms. Medina spoke up again. She told Huizar's chief of staff that she was  
15 not going anywhere and that she knew they were trying to push her out for voicing her own  
16 and other staffers' complaints about the office. Huizar's chief of staff was infuriated. So,  
17 as immediate reprisal, he ordered Ms. Medina as her first task on her first day back at work to  
18 clean out the office's three storage rooms—a task normally delegated to student interns.

19          13.       Ms. Medina was humiliated. She was the office manager and lead administrator  
20 but, as punishment for speaking out, was made to clear out heavy boxes, tables, chairs, and other  
21 junk from the office's storerooms as if someone was cleaning out their garage. In the course of  
22 doing so, Ms. Medina strained her back and suffered a panic attack.

23          14.       Ms. Medina took another medical leave of absence as a result, but given what  
24 Huizar and his chief of staff had made clear would be her fate if she returned to the office,  
25 Ms. Medina had no choice but to resign her City employment in June 2018.

26          15.       This lawsuit seeks to redress the financial and emotional harm Ms. Medina  
27 suffered, and continues to suffer, as a result of the discrimination and retaliation she endured  
28 while employed with Huizar, as well as on account of her constructive termination.

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II.

JURISDICTION AND VENUE

16. The Court has subject matter jurisdiction over this matter pursuant to Article VI, section 10, of the California Constitution, in that the amount in controversy exceeds the jurisdictional requirement of this Court.

17. This Court has personal jurisdiction over Defendant Jose Huizar in this action pursuant to C.C.P. § 410.10, in that he is a resident of this state.

18. The Court has personal jurisdiction over the City of Los Angeles pursuant to C.C.P. § 410.10, in that the City is a municipality within this state.

19. Venue for this matter properly lies within Los Angeles County pursuant to C.C.P. §§ 395 and 395.5, in that Defendants' liability arises, and the injury to Plaintiff occurred, in whole or in part, within Los Angeles County.

20. Prior to the initiation of this action before this Court, Plaintiff properly exhausted her administrative remedies as required under FEHA by filing a complaint against Defendants with the California Department of Fair Employment and Housing ("DFEH") alleging, *inter alia*, the claims asserted herein. DFEH issued Plaintiff a "right-to-sue" letter on October 30, 2018. Accordingly, Plaintiff has fulfilled all preconditions to the filing of this FEHA-based suit. (Collectively attached hereto as Exhibit A are true and correct copies of Ms. Medina's administrative complaint and right-to-sue letter.)

III.

PARTIES & RELEVANT NON-PARTIES

21. Plaintiff Pauline Medina is an individual who, at all times material to the allegations of this Complaint, was a resident of Los Angeles County, California.

22. Defendant Jose Huizar is an individual who, at all times material to the allegations of this Complaint, was a resident of Los Angeles County, California. Huizar was at all times material to the allegations of this Complaint, and continues to be as of the filing of this Complaint, a City Councilmember, representing the City's 14th District. Huizar took office in

1 2005 and, on account of City Council term limits, is expected to step down in 2020.

2 23. Paul Habib is an individual who, at all times material to the allegations of this  
3 Complaint, was a resident of Los Angeles County, California. Habib was at all times material to  
4 the allegations of this Complaint, and continues to be as of the filing of this Complaint, a City  
5 employee, serving as the chief of staff to Huizar.

6 24. Defendant City of Los Angeles is a public entity which, at all times material to the  
7 allegations of this Complaint, employed Ms. Medina.

8 25. Plaintiff is further informed and believes, and on that basis alleges, that at all  
9 times mentioned herein and otherwise relevant to the allegations of this Complaint, FEHA was in  
10 full force and effect, and binding on the City of Los Angeles, as the City regularly employed  
11 more than five persons within the State of California thereby bringing it within the provisions of  
12 FEHA's statutory scheme.

13 26. Given his position on the City Council and within his District's office, Huizar is a  
14 managing agent within the City and his District's office. He was able to exercise substantial  
15 independent authority and judgment in his office's decision-making such that his decisions  
16 ultimately determined office policy. Huizar had full responsibility for the operational  
17 functionality of his main office and field offices. He had the authority and discretion to dictate  
18 and implement policies and standards for the recruitment, hiring, and training of legislative,  
19 administrative, and operational staff; he had the authority and discretion to dictate and implement  
20 legislative and community action agendas; and he had the authority and discretion to dictate and  
21 implement formal policies and informal practices in his offices with respect to responding to  
22 complaints of workplace discrimination, harassment, and other complaints of perceived  
23 violations of the law and breaches of City rules and policies. The same is true of Habib.

24 27. Plaintiff herein alleges that the actions taken by employees of the City against  
25 Plaintiff, by Huizar and Habib in particular, occurred within the normal scope and course of  
26 these individuals' employment with the City. Plaintiff further alleges that several of these  
27 employee(s) were Plaintiff's supervisor(s) while Plaintiff was employed by the City. Thus, the  
28 City is vicariously liable for these individuals' actions under the doctrine of respondeat superior.



1           28.     Plaintiff is ignorant of the true names and capacities of the defendants sued as  
2 DOES 1 through 10, inclusive (the "DOE Defendants") and, therefore, sues these DOE  
3 Defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true  
4 names and capacities when such is ascertained.

5           29.     Plaintiff is informed and believes, and on that basis alleges, that the DOE  
6 Defendants acted wrongfully, maliciously, intentionally and negligently; that each is responsible  
7 in some manner for the events and happenings complained of herein; and that Plaintiff's injuries,  
8 as alleged herein, were proximately caused by the DOE Defendants, either through each  
9 Defendant's own conduct or through the conduct of their agents and/or employees.

10          30.     Plaintiff is informed and believes, and on that basis alleges, that at all times  
11 material to the allegations of this Complaint, each of the Defendants, whether named or  
12 fictitiously named as a DOE Defendant, were the merging entity, merged entity, subsidiary,  
13 acquiring corporation, agent and/or employee of each of the remaining Defendants, and in doing  
14 the things hereinafter alleged, was acting within the course and scope of such agency and/or  
15 employment with knowledge, advice, permission and consent of each other.

16          31.     As used herein, the term "Defendants" means all Defendants, both jointly and  
17 severally, and references by name to any one Defendant shall include and reference all  
18 Defendants, both individual, corporate and business entities, both specifically named and  
19 unnamed, and both jointly and severally to all.

20          32.     Plaintiff is further informed and believes, and on that basis allege, that at all times  
21 material to the allegations of this Complaint, Defendants caused, aided, abetted, facilitated,  
22 encouraged, authorized, permitted and/or ratified the wrongful acts and omissions described in  
23 this Complaint.

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1 IV.

2 **FACTUAL ALLEGATIONS**

3 33. Plaintiff incorporates by reference paragraphs 1 through 32, above, and repeats,  
4 reiterates, and realleges each and every allegation contained therein with the same force and  
5 effect as if such paragraphs were set forth fully at length here.

6 34. Pauline Medina worked for and was loyal to Councilman Jose Huizar for nearly  
7 a decade. She started as a City employee as a receptionist in one of his field offices in August  
8 2008, but was ultimately transferred to the Councilman's main City Hall office.

9 35. Ms. Medina has a familial relationship with Huizar, which is how she initially  
10 got the position in 2008. Ms. Medina has a young son with one of Huizar's brothers. Still,  
11 Ms. Medina was never looking for a handout, just an opportunity to help provide for her family  
12 and thrive professionally.

13 36. And that is what she did. So, even when Ms. Medina's relationship with Huizar's  
14 brother came to an end in 2012, she continued to work in the Councilman's office and continued  
15 to excel in her role there. In fact, that same year (2012) Huizar made Ms. Medina his office  
16 manager and lead administrator.

17 37. In that capacity, Ms. Medina was generally responsible for all of the  
18 administrative innerworkings of the office, including the responsibility for processing payroll,  
19 time and attendance, event logistics, accounts payable, as well as processing monies allocated to  
20 the office from the City's General Purpose Fund. She also supervised the receptionist staff.

21 38. Huizar was challenging to work for, to say the least. Given the nature of the job  
22 and local politics, Ms. Medina certainly expected Huizar to be demanding; but being rude and  
23 unthanking in his demands was the rule with Huizar rather than the exception. And he would  
24 often chastise and verbally abuse Ms. Medina and other staffers for mistakes and oversights that  
25 were of his own making.

26 39. The job was also demanding in that Huizar saw no boundary between his staffers'  
27 responsibility for assisting him with his work agenda as opposed to his personal life. Huizar  
28 frequently demanded that Ms. Medina and other staffers pick up his dry-cleaning and contact



1 lens refills, take his car to get washed, drop off and pick up his children from school, even go to  
2 his house to move his wife's car from one side of the street to the other to avoid getting a street-  
3 sweeping ticket.

4 40. Nonetheless, Ms. Medina complied with Huizar's personal requests while also  
5 balancing the demands of her job. Ms. Medina never received a failing performance rating  
6 during her tenure as Huizar's office manager and lead administrator nor at any other time during  
7 her employment with the City.

8 41. Still, Ms. Medina endured a tremendous amount of angst and stress on account of  
9 her employment with Huizar. For instance, Ms. Medina was interviewed by the City Attorney's  
10 Office as part of a 2013 sexual harassment and retaliation lawsuit filed against Huizar and the  
11 City by Francine Godoy, the Councilmember's former deputy chief of staff.<sup>1</sup> Ms. Medina had  
12 never been involved in a lawsuit before and was unsettled by the experience. She was also  
13 unsettled by the lobbying Huizar seemed to be doing amongst those staffers that he knew  
14 would be interviewed or deposed in a not-so-subtle effort to persuade them to give testimony  
15 favorable to him and not Godoy. Moreover, Ms. Medina was personally disappointed in Huizar  
16 because she had spent a considerable amount of time with his wife and children while Ms.  
17 Medina was in a relationship with Huizar's brother.

18 42. Ms. Medina was also uncomfortable with certain practices employed by the  
19 Councilman's office that she believed violated local, state, and federal law. For instance,  
20 Ms. Medina was uncomfortable with the requirement that she and other Huizar staffers engage in  
21 fundraising activities for his high school alma mater, Salesian High School, while on City time.  
22 She was also uncomfortable with the direction she got, given her direct responsibility for  
23 processing monies allocated to the office from the City's General Purpose Fund, to find ways  
24 to funnel money to the school.

25 43. Ms. Medina was also uncomfortable syphoning money from the City's General  
26 Purpose Fund to pay for Huizar's personal expenses, like family gatherings and other events that  
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28 <sup>1</sup> *Francine Godoy v. City of Los Angeles, et al.*, Los Angeles County Superior Court,  
Case No. BC524640.

1 were wholly unrelated to City business. Similarly, Ms. Medina was uncomfortable with the  
2 direction she got to utilize City funds to pay for prohibited activities, like golf tournament  
3 sponsorships and other gala events. Ms. Medina was often directed to make a “donation”  
4 to a non-profit organization, albeit with the unspoken agreement that the organization utilize  
5 part of the money it received to make a payment, by proxy, to wherever the Councilman’s office  
6 wanted.

7 44. Ms. Medina had at the time a reasonable and good faith belief that the above-  
8 described activities constituted violations of City ethics rules and laws (Los Angeles Municipal  
9 Code Chapter IV, Articles 9.5 and 9.7), state political activity laws (Cal Gov. Code §§ 3203,  
10 3209, 19990), as well as federal political activity law (5 U.S.C. § 7321 et seq.).

11 45. In or about the Spring of 2017, Ms. Medina became aware that Huizar was  
12 engaged in another extramarital affair with a City staffer. This caused friction in the office  
13 because many staffers, Ms. Medina among them, believed that Huizar’s mistress received more  
14 favorable treatment from him with respect to assignments and more leniency with respect to  
15 deadlines and attendance.

16 46. During the year 2017, Huizar was engaged in a sexual relationship with one of  
17 his City staffers.

18 47. During the year 2018, Huizar was engaged in a sexual relationship with one of  
19 his City staffers.

20 48. As long as Ms. Medina had been in the office and directly responsible for  
21 processing time and attendance, the custom and practice—as well as the direction she received  
22 directly from Huizar and his chief of staff, Paul Habib—was to be lax with respect to deducting  
23 staffers’ leave when they were out of the office. For years, it had been common practice for  
24 Huizar and Habib to direct Ms. Medina to not formally mark a staffer as out on vacation when  
25 they really were or as out on sick leave when they really were. Given the demands of the job and  
26 staffers’ responsibilities for attending various events outside of normal working hours on nights  
27 and weekends, the direction Huizar and Habib routinely gave Ms. Medina was to not formally  
28 mark staffers as on leave as a matter of “goodwill.”

1           49.     So, for instance, if a staffer was getting married, Ms. Medina would be  
2 directed to not formally mark the days the staffer took off for their wedding and honeymoon.  
3 Or, for example, if a staffer experienced a death in the family, Ms. Medina would be directed  
4 to overlook the time taken off by that staffer for bereavement. In each instance, however,  
5 Ms. Medina would consult Huizar or Habib, who would then dictate to her when to formally  
6 deduct a particular staffer's leave or not.

7           50.     However, that long-held practice changed when Huizar began his affair with  
8 another of his City staffers and wanted to know her particular whereabouts. Beginning in or  
9 about August 2017, the direction Ms. Medina received from Habib was that Huizar wanted her to  
10 send out an email each morning for his review setting out which staffers would be late or  
11 otherwise out of the office that particular day.

12          51.     Ms. Medina could see right through the request and see that its true purpose was  
13 so that Huizar would know the whereabouts of his mistress. This was particularly evident  
14 because virtually every staffer had the ability to log on to their computers and phones remotely to  
15 keep up with their emails and other responsibilities regardless of their physical absence from the  
16 office. And if a staffer was not responsive to the Councilmember's emails or texts—regardless  
17 of whether they were on leave or not—Huizar would repeatedly email and text them until they  
18 responded. Huizar expected his staff to be available to him essentially 24/7.

19          52.     The new "daily email" requirement became a significant stressor for Ms. Medina  
20 because she was forced to wrangle excuses out of staffers for why they would be late or  
21 otherwise out for the day. Ms. Medina had become the sounding board for other staffers who  
22 came to her with their own frustrations about the office's practices and Huizar's mistress'  
23 preferential treatment, particularly with respect to the new attendance policy. This caused  
24 Ms. Medina extreme anxiety, which manifested in the form of debilitating migraines, stress-  
25 induced muscle pains, and panic attacks.

26          53.     The new attendance policy was particularly stressful for Ms. Medina because  
27 Huizar's mistress would often turn to her for advice when she had no excuse for being late or  
28 absent, but wanted Ms. Medina's help covering for it. Oftentimes, the mistress would get caught

1 in the lie, and yet because of her standing with Huizar, Ms. Medina would be blamed for the  
2 entire episode.

3 54. For instance, in October 2017, Huizar's mistress arrived late to work one day  
4 and told Habib, falsely, that she had been at a constituent meeting. When Habib discovered  
5 there had been no such meeting, he sat down with her to find out why she was not being truthful.  
6 Yet rather than take responsibility for her own conduct, the mistress told Habib that Ms. Medina  
7 advised her to make up the meeting as a cover for being late. Ms. Medina had certainly not  
8 given her that advice but, given the mistress' standing with Huizar, Habib took her side rather  
9 than Ms. Medina's and accused Ms. Medina of being deceptive.

10 55. Ms. Medina was incredulous. She was not the one who was late, not the one who  
11 lied about it, and yet she was somehow being blamed for it. So, Ms. Medina raised her concerns  
12 and complaints with Habib again, namely, that: (i) Huizar's mistress was receiving preferential  
13 treatment with respect to attendance and assignments; (ii) Ms. Medina was uncomfortable  
14 funneling money out of the City's General Purpose Fund; and (iii) Ms. Medina was suffering  
15 from migraines as a result of the stress.

16 56. Thereafter, Huizar and Habib retaliated against Ms. Medina for speaking out and  
17 undertook a campaign to push her out of the office. Among other things, Ms. Medina was  
18 stripped of certain duties and responsibilities she had long held in the office, stripped of access to  
19 Huizar's calendar, subjected to unreasonable and unjustified criticism of her work, and subjected  
20 to unsympathetic criticism for taking time off for health reasons.

21 57. Huizar and Habib even went so far as to report Ms. Medina to the City's  
22 Personnel Department in order to instigate an audit of her attendance given that she had been  
23 taking days off on account of the migraines she had been suffering as direct result of their  
24 retaliatory conduct.

25 58. Huizar's instigation of the audit was confirmed by a firm hired by the City  
26 Attorney's Office to investigate the matter. During an interview with a representative from the  
27 City's Personnel Department, a Personnel representative who had been personally involved told  
28 the investigator that, in February 2018, Habib approached their department and specifically

1 requested Ms. Medina's time and attendance records. According to the Personnel employee,  
2 Habib explained that Councilman Huizar had suddenly become "curious" about Ms. Medina's  
3 absences and wanted a report of the leave she had taken.

4 59. Of course, Habib did *not* ask the Personnel Department for a report on any other  
5 staffer's leave—only Ms. Medina's.

6 60. According to the Personnel Department, Habib then came back to them and  
7 advised that he had cross-referenced Ms. Medina's leave report with his own email records and  
8 that they did not match up.

9 61. Thereafter, on February 28, 2018, Habib asked the Personnel employee to  
10 accompany him to a meeting with Ms. Medina so that he could confront her with his "evidence"  
11 and place her on a more highly-scrutinized leave program whereby Ms. Medina would have to  
12 present a doctor's note for every single sick day she took henceforward.

13 62. During the meeting, Habib told Ms. Medina that the recommendation was that she  
14 be fired for her purported attendance discrepancies, but that "the Councilman wanted to give her  
15 another opportunity" because he is "very generous."

16 63. Ms. Medina was astounded by the accusations Habib was making since,  
17 as explained above, the attendance policy in the Councilman's office had been lax for years—  
18 and had been so at Habib's very direction. Moreover, Ms. Medina had always consulted Habib  
19 about staffers' time off and he was the one who would dictate to Ms. Medina when she should  
20 formally mark the leave down or not. Ms. Medina responded during the meeting that other  
21 staffers—including Habib himself—routinely failed to submit leave requests for the days they  
22 took off and the instances for which they were late, but Habib rationalized that other staffers  
23 were merely "telecommuting" with his permission due to undefined "personal issues."

24 64. Unsurprisingly, the City's investigator did *not* interview any of Huizar's other  
25 staffers with respect to the office's attendance practices. The investigator relied only upon  
26 Habib's (false and self-serving) representations.

1           65. Ms. Medina was also astounded by the accusations Habib was making because  
2 she understood very well the underlying subtext. Huizar and Habib were sending Ms. Medina a  
3 message: they wanted Ms. Medina to know the type of power and influence they could wield  
4 over various City departments and resources and that she would be powerless to challenge him.

5           66. The instigation of the attendance audit was pretextual. It was in retaliation for  
6 Ms. Medina's complaints about the office's practices and the preferential treatment given to  
7 Huizar's mistress.

8           67. Ms. Medina left the meeting so overwhelmed that she had a panic attack.  
9 Her primary care physician recommended that she take a medical leave of absence from work,  
10 which she did. Ms. Medina took leave from on or about February 28 to May 1, 2018.

11           68. When Ms. Medina returned to work, however, the retaliatory campaign to push  
12 her out of the office resumed. According to the City Attorney's Office's investigator, Habib did  
13 not think that Ms. Medina would return to work; he thought he had succeeded in conveying the  
14 power he and Huizar could lord over her and that Ms. Medina would just quit.

15           69. Therefore, on Ms. Medina's first day back in the office, Habib summoned her to a  
16 meeting with he and Rick Coca, Huizar's director of communications. During that meeting,  
17 acting at Huizar's direction, Habib "suggested" to Ms. Medina that she might be happier working  
18 in another City department and offered to help her transition out of the Councilman's office.

19           70. But Ms. Medina knew exactly what he was trying to convey—that he and  
20 Huizar were no longer happy with *her* and wanted Ms. Medina gone because of her complaints.  
21 Ms. Medina knew too much and was no longer going to stay quiet about it, so she had to go.

22           71. Undeterred, Ms. Medina spoke up again. She told Habib that she was not going  
23 anywhere and that she knew they were trying to push her out for voicing her own and other  
24 staffers' complaints about the office.

25           72. Habib was infuriated. So, as immediate reprisal, he ordered Ms. Medina as her  
26 first task on her first day back at work to clean out the office's three storage rooms, one of which  
27 was located down in City Hall's underground parking lot.

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73. Ms. Medina was humiliated. It was punishment. Instead of the going to her desk to resume her normal office duties, she had been sent to the office's storerooms in a dress to clear out heavy boxes, tables, chairs, and other junk as if someone was cleaning out their garage. In the course of doing so, Ms. Medina strained her back and suffered a panic attack.

74. As a result, Ms. Medina went to urgent care where her primary care physician recommended that take another medical leave of absence, which she did.

75. Given what Huizar and Habib had made clear would be her fate if she returned to the office, Ms. Medina had no choice but to resign from her City employment, which she did on June 20, 2018.

76. As a result of being retaliated against and stripped of any meaningful function at the office, Ms. Medina was constructively terminated. Huizar and Habib intentionally created and knowingly permitted working conditions that were so intolerable that any reasonable and comparably-situated employee would be compelled to resign. Ms. Medina felt that she had no other option but to resign rather than endure the ridicule, shame, and uselessness associated with her diminished position in the office.

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1 **FIRST CAUSE OF ACTION**

2 **Retaliation**

3 **In Violation of Cal. Gov. Code § 12940(a), (h)**

4 **(Against the City of Los Angeles and Does 1-10)**

5 77. Plaintiff incorporates by reference paragraphs 1 through 76, above, and repeats,  
6 reiterates, and realleges each and every allegation contained therein with the same force and  
7 effect as if such paragraphs were set forth fully at length here.

8 78. Section 12940(h) of the California Government Code makes it unlawful for an  
9 employer to retaliate against an employee for “oppos[ing] practices forbidden under [FEHA’s  
10 statutory scheme] or because the person has filed a complaint, testified, or assisted in any  
11 proceeding under [FEHA’s statutory scheme].”

12 79. As described in the preceding paragraphs of this Complaint, Plaintiff engaged  
13 in such protected conduct under FEHA by complaining to and about Defendants’ conduct.  
14 In particular, Plaintiff’s protected activity included, but is not limited to: (i) voicing concerns  
15 and complaining about having to funnel City money to Huizar’s high school alma mater;  
16 (ii) voicing concerns and complaining about having to secretly use City funds to pay for Huizar’s  
17 personal expenses; (iii) voicing concerns and complaining about the preferential treatment  
18 Huizar was giving to a City staffer with whom he was having an extramarital affair; and  
19 (iv) taking disability and sick leave as recommended by her primary care physician (as described  
20 in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

21 80. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
22 good faith and reasonable belief that the alleged actions violated a law or administrative statute  
23 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), state political activity laws  
24 (Cal Gov. Code §§ 3203, 3209, 19990), as well as federal political activity law (5 U.S.C. § 7321  
25 et seq.).

26 81. Plaintiff’s protected activities, as set forth herein, were individually and  
27 collectively a contributing factor in Defendants’ decision to constructively terminate Plaintiff’s  
28 employment and, prior thereto, to subject her to abusive and harassing retaliatory employment

1 practices. Plaintiff's protected activities were the sole, motivating, and but-for cause of the  
2 adverse employment actions Defendants took against her.

3 82. In response to Plaintiff's protected activities, Defendants retaliated against  
4 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside  
5 of normal work hours; stripping Plaintiff of certain duties and responsibilities she had long held  
6 in the office; stripping Plaintiff of access to Huizar's calendar; subjecting Plaintiff to  
7 unreasonable and unjustified criticism of her work; subjecting Plaintiff to unsympathetic  
8 criticism for taking time off for health reasons; and unjustifiably subjecting Plaintiff to an  
9 attendance audit by the City's Personnel Department (as described in the preceding paragraphs  
10 of this Complaint (*see infra* at Sect. IV)).

11 83. As a proximate result of the wrongful acts of Defendants, and each of them,  
12 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,  
13 consequential, and incidental financial losses, including, without limitation, loss of income,  
14 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
15 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
16 proof at the time of trial.

17 84. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
18 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
19 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
20 discomfort, all to Plaintiff's damage in an amount proven at trial.

21 85. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
22 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
23 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
24 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
25 to punitive damages in an amount appropriate to punish and set an example of Defendants.

26 86. The actions alleged herein were taken by managing agents and/or officers of  
27 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
28 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with

1 oppression and malice as those terms are used in section 3294 of the California Civil Code.

2 As such, Plaintiff is entitled to an award of punitive damages.

3 87. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,  
4 *inter alia*, section 12965(b) of the California Government Code.

5  
6 **SECOND CAUSE OF ACTION**

7 **Retaliation**

8 **In Violation of Cal. Labor Code § 1102.5(b)**

9 **(Against the City of Los Angeles and Does 1-10)**

10 88. Plaintiff incorporates by reference paragraphs 1 through 86, above, and repeats,  
11 reiterates, and realleges each and every allegation contained therein with the same force and  
12 effect as if such paragraphs were set forth fully at length here.

13 89. Section 1102.5(b) of the California Labor Code makes it unlawful for an  
14 employer to retaliate against an employee for "disclosing information . . . to a person with  
15 authority over the employee or another employee who has the authority to investigate, discover,  
16 or correct the violation or noncompliance . . . of state or federal statute . . . or regulation,  
17 regardless of whether disclosing the information is part of the employee's job duties."

18 90. On multiple occasions, Plaintiff engaged in such protected conduct under section  
19 1102.5 by complaining to and about Defendant's conduct, as described in the preceding  
20 paragraphs of this Complaint. In particular, Plaintiff's protected activity included, but is not  
21 limited to: (i) voicing concerns and complaining about having to funnel City money to Huizar's  
22 high school alma mater; (ii) voicing concerns and complaining about having to secretly use City  
23 funds to pay for Huizar's personal expenses; (iii) voicing concerns and complaining about the  
24 preferential treatment Huizar was giving to a City staffer with whom he was having an  
25 extramarital affair; and (iv) taking disability and sick leave as recommended by her primary care  
26 physician (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

27 91. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
28 good faith and reasonable belief that the alleged actions violated a law or administrative statute

(Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), state political activity laws (Cal Gov. Code §§ 3203, 3209, 19990), as well as federal political activity law (5 U.S.C. § 7321 et seq.).

92. Plaintiff's protected activities, as set forth herein, were individually and collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's employment. Plaintiff's protected activities were the sole, motivating, and but-for cause of the adverse employment actions Defendants took against her.

93. In response to Plaintiff's protected activities, Defendants retaliated against Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside of normal work hours; stripping Plaintiff of certain duties and responsibilities she had long held in the office; stripping Plaintiff of access to Huizar's calendar; subjecting Plaintiff to unreasonable and unjustified criticism of her work; subjecting Plaintiff to unsympathetic criticism for taking time off for health reasons; and unjustifiably subjecting Plaintiff to an attendance audit by the City's Personnel Department (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

94. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual, consequential, and incidental financial losses, including, without limitation, loss of income, salary and benefits, and the intangible loss of employment-related opportunities for growth in Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to proof at the time of trial.

95. As a direct, foreseeable and proximate result of Defendants' wrongful acts, Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment benefits, and has suffered humiliation, embarrassment, mental and emotional distress and discomfort, all to Plaintiff's damage in an amount proven at trial.

96. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice

1 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
2 to punitive damages in an amount appropriate to punish and set an example of Defendants.

3 97. The actions alleged herein were taken by managing agents and/or officers of  
4 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
5 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
6 oppression and malice as those terms are used in section 3294 of the California Civil Code.  
7 As such, Plaintiff is entitled to an award of punitive damages.

8 98. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,  
9 *inter alia*, section 1102.5(f) of the California Labor Code.

### 10 **THIRD CAUSE OF ACTION**

#### 11 **Wrongful Termination in Violation of Public Policy**

#### 12 **(Against the City of Los Angeles and Does 1-10)**

13 99. Plaintiff incorporates by reference paragraphs 1 through 98, above, and repeats,  
14 reiterates, and realleges each and every allegation contained therein with the same force and  
15 effect as if such paragraphs were set forth fully at length here.

16 100. The discharge of an employee in retaliation for resisting or complaining about  
17 employer violations of laws that secure important public policies contravenes those policies,  
18 and gives rise to a common law action in tort.

19 101. Plaintiff engaged in such protected conduct under FEHA and under section  
20 1102.5 of the Civil Code by complaining to and about Defendants' conduct, as described above.  
21 In particular, Plaintiff's protected activity included, but is not limited to: voicing concerns and  
22 complaining about having to funnel City money to Huizar's high school alma mater; (ii) voicing  
23 concerns and complaining about having to secretly use City funds to pay for Huizar's personal  
24 expenses; (iii) voicing concerns and complaining about the preferential treatment Huizar was  
25 giving to a City staffer with whom he was having an extramarital affair; and (iv) taking disability  
26 and sick leave as recommended by her primary care physician (as described in the preceding  
27 paragraphs of this Complaint (*see infra* at Sect. IV)).  
28



1           102. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
2 good faith and reasonable belief that the alleged actions violated the City's ethics and integrity  
3 rules, or were otherwise violations of a law or administrative statute (Los Angeles Municipal  
4 Code Chapter IV, Articles 9.5 and 9.7), state political activity laws (Cal Gov. Code §§ 3203,  
5 3209, 19990), as well as federal political activity law (5 U.S.C. § 7321 et seq.).

6           103. Plaintiff's protected activities, as set forth herein, were individually and  
7 collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's  
8 employment. Plaintiff's protected activities were the sole, motivating, and but-for cause of the  
9 adverse employment actions Defendants took against her.

10           104. Plaintiff was harassed and subsequently constructively terminated for asserting  
11 her statutory and constitutional rights to engage in protected activity. Defendants' violation of  
12 Plaintiff's statutory and constitutional rights is inconsistent with, and hostile to, the public's  
13 interest in correcting violations of state and federal laws and regulations, and has a chilling effect  
14 on reports of such actual and suspected violations of state and federal laws and regulations.

15           105. Defendants' reasons for harassing Plaintiff and subsequently constructively  
16 terminating Plaintiff's employment are pretextual in nature and calculated to disguise the  
17 motivating bases of the adverse employment actions to which Plaintiff was subjected.

18           106. As a proximate result of the wrongful acts of Defendants, and each of them,  
19 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,  
20 consequential, and incidental financial losses, including, without limitation, loss of income,  
21 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
22 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
23 proof at the time of trial.

24           107. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
25 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
26 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
27 discomfort, all to Plaintiff's damage in an amount proven at trial.

1           108. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
2 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
3 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
4 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
5 to punitive damages in an amount appropriate to punish and set an example of Defendants.

6           109. The actions alleged herein were taken by managing agents and/or officers of  
7 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
8 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
9 oppression and malice as those terms are used in section 3294 of the California Civil Code.  
10 As such, Plaintiff is entitled to an award of punitive damages.

#### 11 12                                   **FOURTH CAUSE OF ACTION**

##### 13                                   **Failure to Prevent Unlawful Discrimination**

##### 14                                   **In Violation of Cal. Gov. Code § 12940(k)**

##### 15                                   **(Against the City of Los Angeles and Does 1-10)**

16           110. Plaintiff incorporates by reference paragraphs 1 through 109, above, and repeats,  
17 reiterates, and realleges each and every allegation contained therein with the same force and  
18 effect as if such paragraphs were set forth fully at length here.

19           111. Section 12940(k) of the California Government Code makes it unlawful for an  
20 employer to "fail to take all reasonable steps necessary to prevent discrimination and harassment  
21 from occurring."

22           112. As described in the preceding paragraphs of this Complaint, Plaintiff engaged in  
23 protected conduct under FEHA by complaining to and about Defendant's conduct. In particular,  
24 Plaintiff's protected activity included, but is not limited to: (i) voicing concerns and complaining  
25 about having to funnel City money to Huizar's high school alma mater; (ii) voicing concerns and  
26 complaining about having to secretly use City funds to pay for Huizar's personal expenses;  
27 (iii) voicing concerns and complaining about the preferential treatment Huizar was giving to a  
28 City staffer with whom he was having an extramarital affair; and (iv) taking disability and sick

1 leave as recommended by her primary care physician (as described in the preceding paragraphs  
2 of this Complaint (*see infra* at Sect. IV)).

3 113. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
4 good faith and reasonable belief that the alleged actions violated the City's ethics and integrity  
5 rules, or were otherwise violations of a law or administrative statute (Los Angeles Municipal  
6 Code Chapter IV, Articles 9.5 and 9.7), state political activity laws (Cal Gov. Code §§ 3203,  
7 3209, 19990), as well as federal political activity law (5 U.S.C. § 7321 et seq.).

8 114. Plaintiff's protected activities, as set forth herein, were individually and  
9 collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's  
10 employment, as well as to subject her to the abusive, harassing, and retaliatory adverse  
11 employment actions as described above. Plaintiff's protected activities were the sole,  
12 motivating, and but-for cause of the adverse employment actions Defendants took against her.

13 115. In response to Plaintiff's protected activities, Defendants retaliated against  
14 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside  
15 of normal work hours; stripping Plaintiff of certain duties and responsibilities she had long  
16 held in the office; stripping Plaintiff of access to Huizar's calendar; subjecting Plaintiff to  
17 unreasonable and unjustified criticism of her work; subjecting Plaintiff to unsympathetic  
18 criticism for taking time off for health reasons; and unjustifiably subjecting Plaintiff to an  
19 attendance audit by the City's Personnel Department (as described in the preceding paragraphs  
20 of this Complaint (*see infra* at Sect. IV)).

21 116. Defendants failed to take reasonable steps necessary to prevent the discrimination,  
22 harassment, and retaliation that Plaintiff was subjected to from occurring.

23 117. As a proximate result of the wrongful acts of Defendants, and each of them,  
24 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,  
25 consequential, and incidental financial losses, including, without limitation, loss of income,  
26 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
27 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
28 proof at the time of trial.

1 118. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
2 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
3 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
4 discomfort, all to Plaintiff's damage in an amount proven at trial.

5 119. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
6 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
7 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
8 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
9 to punitive damages in an amount appropriate to punish and set an example of Defendants.

10 120. The actions alleged herein were taken by managing agents and/or officers of  
11 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
12 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
13 oppression and malice as those terms are used in section 3294 of the California Civil Code.  
14 As such, Plaintiff is entitled to an award of punitive damages.

15 121. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,  
16 *inter alia*, section 12965(b) of the California Government Code.

17  
18 **FIFTH CAUSE OF ACTION**

19 **Workplace Harassment**

20 **In Violation of Cal. Gov. Code § 12940(a), (h), (j)**

21 **(Against Jose Huizar, in his individual capacity, and Does 1-10)**

22 122. Plaintiff incorporates by reference paragraphs 1 through 121, above, and repeats,  
23 reiterates, and realleges each and every allegation contained therein with the same force and  
24 effect as if such paragraphs were set forth fully at length here.

25 123. Section 12940, subsections (a) and (j), of the California Government Code make  
26 it unlawful for an employer to discriminate against and harass an employee because of "physical  
27 disability, mental disability, medical condition."  
28

124. As averred in the preceding paragraphs of this Complaint, in October 2017,

1 Ms. Medina informed Defendants, as well as Defendants' agents and subordinates, that she was  
2 uncomfortable with certain practices employed by the Councilman's office that she believed  
3 violated local, state, and federal law. Thereafter, Defendants, and Huizar in particular, as well as  
4 Defendants' agents and subordinates, personally singled Ms. Medina out for retaliation and  
5 disparate treatment with regard to the terms, conditions, and privileges of her employment  
6 because of Ms. Medina's complaints, sick leave, and short-term disability leave in violation of  
7 Sections 12940 and 12945. In particular, Defendants' retaliatory and disparate treatment of  
8 Ms. Medina included, but was not limited to: harassing and hassling Plaintiff both during and  
9 outside of normal work hours; stripping Plaintiff of certain duties and responsibilities she had  
10 long held in the office; stripping Plaintiff of access to Huizar's calendar; subjecting Plaintiff to  
11 unreasonable and unjustified criticism of her work; subjecting Plaintiff to unsympathetic  
12 criticism for taking time off for health reasons; and unjustifiably subjecting Plaintiff to an  
13 attendance audit by the City's Personnel Department (as described in the preceding paragraphs  
14 of this Complaint (*see infra* at Sect. IV)). Huizar personally undertook the foregoing actions as  
15 against Ms. Medina.

16       125. The actions of Defendants, and Huizar in particular, as well as those of  
17 their agents and subordinates, negatively affected the terms, conditions, and privileges of  
18 Ms. Medina's employment, and resulted in the constructive termination of Ms. Medina's  
19 employment.

20       126. Defendants, and Huizar in particular, as well as their agents and subordinates,  
21 did not treat non-sick, non-disabled, and non-complaint-lodging employees in the same manner  
22 in which Ms. Medina was treated; they were treated more favorably.

23       127. Similarly, section 12940(h) of the California Government Code makes it unlawful  
24 for an employer to harass an employee for "oppos[ing] practices forbidden under [FEHA's  
25 statutory scheme] or because the person has filed a complaint, testified, or assisted in any  
26 proceeding under [FEHA's statutory scheme]."

27       128. As described in the preceding paragraphs of this Complaint, Plaintiff engaged  
28 in such protected conduct under FEHA by complaining to and about Defendants' conduct.

1 In particular, Plaintiff's protected activity included, but is not limited to: (i) voicing concerns  
2 and complaining about having to funnel City money to Huizar's high school alma mater;  
3 (ii) voicing concerns and complaining about having to secretly use City funds to pay for Huizar's  
4 personal expenses; (iii) voicing concerns and complaining about the preferential treatment  
5 Huizar was giving to a City staffer with whom he was having an extramarital affair; and  
6 (iv) taking disability and sick leave as recommended by her primary care physician (as described  
7 in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

8 129. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
9 good faith and reasonable belief that the alleged actions violated a law or administrative statute  
10 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), state political activity laws  
11 (Cal Gov. Code §§ 3203, 3209, 19990), as well as federal political activity law (5 U.S.C. § 7321  
12 et seq.).

13 130. Plaintiff's protected activities, as set forth herein, were individually and  
14 collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's  
15 employment and, prior thereto, subject her to abusive and harassing retaliatory employment  
16 practices. Plaintiff's protected activities were the sole, motivating, and but-for cause of the  
17 adverse employment actions Defendants took against her.

18 131. In response to Plaintiff's protected activities, Defendants, and Huizar in  
19 particular, personally subjected Plaintiff to retaliatory harassment by, among other things:  
20 harassing and hassling Plaintiff both during and outside of normal work hours; stripping Plaintiff  
21 of certain duties and responsibilities she had long held in the office; stripping Plaintiff of access  
22 to Huizar's calendar; subjecting Plaintiff to unreasonable and unjustified criticism of her work;  
23 subjecting Plaintiff to unsympathetic criticism for taking time off for health reasons; and  
24 unjustifiably subjecting Plaintiff to an attendance audit by the City's Personnel Department  
25 (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)). Huizar  
26 personally undertook the foregoing actions as against Ms. Medina.

27 132. That is, Huizar personally subjected Plaintiff to verbal abuse, derogatory  
28 comments, and physical interference with freedom of movement. Huizar's conduct was beyond



1 the scope of his necessary job performance and was engaged in for personal gratification because  
2 of meanness or bigotry and for other personal motives. His conduct did not arise out of his  
3 normal and necessary personnel management duties.

4 133. Defendants, and Huizar in particular, as well as their agents and subordinates,  
5 have consistently failed to give any reasonable justification for subjecting Ms. Medina to the  
6 foregoing adverse employment actions. Ms. Medina alleges that these actions were taken by  
7 Defendants, and Huizar in particular, as well as their agents and subordinates, because of  
8 Ms. Medina's complaints, sick leave, and disability leave, in violation of Sections 12940 and  
9 12945.

10 134. As a proximate result of the wrongful acts of Defendants, and each of them,  
11 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,  
12 consequential, and incidental financial losses, including, without limitation, loss of income,  
13 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
14 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
15 proof at the time of trial.

16 135. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
17 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
18 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
19 discomfort, all to Plaintiff's damage in an amount proven at trial.

20 136. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
21 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
22 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
23 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
24 to punitive damages in an amount appropriate to punish and set an example of Defendants.

25 137. The actions alleged herein were taken by managing agents and/or officers of  
26 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
27 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
28

1 oppression and malice as those terms are used in section 3294 of the California Civil Code.

2 As such, Plaintiff is entitled to an award of punitive damages.

3 138. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,  
4 *inter alia*, section 12965(b) of the California Government Code.

5  
6 **SIXTH CAUSE OF ACTION**

7 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

8 **(Against Jose Huizar, in his individual capacity, and Does 1-10)**

9 139. Plaintiff incorporates by reference paragraphs 1 through 138, above, and repeats,  
10 reiterates, and realleges each and every allegation contained therein with the same force and  
11 effect as if such paragraphs were set forth fully at length here.

12 140. "A cause of action for intentional infliction of emotional distress exists when  
13 there is '(1) extreme and outrageous conduct by the defendant with the intention of causing,  
14 or reckless disregard of the probability of causing, emotional distress; (2) the plaintiff's suffering  
15 severe or extreme emotional distress; and (3) actual and proximate causation of the emotional  
16 distress by the defendant's outrageous conduct.'" *Hughes v. Pair*, 46 Cal. 4th 1035 (2009).

17 141. Defendants' conduct as described above—harassing and hassling Plaintiff both  
18 during and outside of normal work hours; stripping Plaintiff of certain duties and responsibilities  
19 she had long held in the office; stripping Plaintiff of access to Huizar's calendar; subjecting  
20 Plaintiff to unreasonable and unjustified criticism of her work; subjecting Plaintiff to  
21 unsympathetic criticism for taking time off for health reasons; unjustifiably subjecting Plaintiff  
22 to an attendance audit by the City's Personnel Department; and making Plaintiff clean out  
23 multiple storage rooms (as described in the preceding paragraphs of this Complaint (*see infra* at  
24 Sect. IV))—goes beyond all possible bounds of decency of that usually tolerated in a civilized  
25 community.

26 142. Defendants devoted little or no thought to the probable distress such acts would  
27 cause Plaintiff, and simply acted in reckless disregard to the possibility that Plaintiff would  
28 suffer severe emotional distress as a result of such acts.

1           143. Defendants' acts did in fact cause Plaintiff to suffer, among other emotions,  
2 anguish, nervousness, anxiety, grief, worry, shock, humiliation, and embarrassment. The distress  
3 is of such severity that no reasonable person in a civilized society should be expected to bear the  
4 same.

5           144. Defendants' conduct was outrageous and outside the normal scope of the  
6 employment relationship and was a substantial factor in causing Plaintiff's harm.

7           145. Defendants' acts subjected Plaintiff to cruel and unjust hardship in violation of  
8 her rights as an employee under California law. Defendant acted with malice in that Defendants'  
9 actions were intended to injure Plaintiff, and did so, and because such despicable acts were  
10 carried out with a willful disregard for Plaintiff's legal rights and personal wellbeing.

11           146. Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer,  
12 actual, consequential, and incidental financial losses, including, without limitation, loss of  
13 income, salary and benefits, and the intangible loss of employment-related opportunities for  
14 growth in Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount  
15 according to proof at the time of trial.

16           147. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
17 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
18 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
19 discomfort, all to Plaintiff's damage in an amount proven at trial.

20           148. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
21 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
22 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
23 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
24 to punitive damages in an amount appropriate to punish and set an example of Defendants.

25           149. The actions alleged herein were taken by managing agents and/or officers of  
26 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
27 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
28

1 oppression and malice as those terms are used in section 3294 of the California Civil Code.

2 As such, Plaintiff is entitled to an award of punitive damages.

3  
4 **JURY TRIAL DEMAND**

5 Plaintiff hereby demands a jury trial to resolve each and every one of the claims averred  
6 in this Complaint against each and every Defendant.

7  
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them,  
10 according to proof, as follows:

11 **On the First Cause of Action for Retaliation (Cal. Gov. Code § 12940(a), (h)):**

- 12 1. For actual and money damages in an amount according to proof at trial;  
13 2. For compensatory and emotional distress damages;  
14 3. For punitive and exemplary damages  
15 4. For Plaintiff's reasonable attorneys' fees;  
16 5. For Plaintiff's reasonable experts' fees;  
17 6. For an award of prejudgment interest;  
18 7. For such other relief as the Court deems just and proper.

19 **On the Second Cause for Retaliation (Cal. Labor Code § 1102.5(b)):**

- 20 1. For actual and money damages in an amount according to proof at trial;  
21 2. For compensatory and emotional distress damages;  
22 3. For punitive and exemplary damages  
23 4. For Plaintiff's reasonable attorneys' fees;  
24 5. For Plaintiff's reasonable experts' fees;  
25 6. For an award of prejudgment interest;  
26 7. For such other relief as the Court deems just and proper.

1 **On the Third Cause for Wrongful Termination in Violation of Public Policy:**

- 2 1. For actual and money damages;
- 3 2. For compensatory and emotional distress damages;
- 4 3. For an award of prejudgment interest;
- 5 4. For such other relief as the Court deems just and proper.

6 **On the Fourth Cause of Action for Failure to Prevent Discrimination (Cal. Gov. Code**  
7 **§ 12940(k)):**

- 8 1. For actual and money damages in an amount according to proof at trial;
- 9 2. For compensatory and emotional distress damages;
- 10 3. For punitive and exemplary damages
- 11 4. For Plaintiff's reasonable attorneys' fees;
- 12 5. For Plaintiff's reasonable experts' fees;
- 13 6. For an award of prejudgment interest;
- 14 7. For such other relief as the Court deems just and proper.

15 **On the Fifth Cause of Action for Workplace Harassment (Cal. Gov. Code §§ 12940(a),**  
16 **(h), (j)):**

- 17 1. For actual and money damages in an amount according to proof at trial;
- 18 2. For compensatory and emotional distress damages;
- 19 3. For punitive and exemplary damages
- 20 4. For Plaintiff's reasonable attorneys' fees;
- 21 5. For Plaintiff's reasonable experts' fees;
- 22 6. For an award of prejudgment interest;
- 23 7. For such other relief as the Court deems just and proper.

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1 **On the Sixth Cause of Action for Intentional Infliction of Emotional Distress:**

- 2 1. For actual and money damages in an amount according to proof at trial;  
3 2. For compensatory and emotional distress damages;  
4 3. For punitive and exemplary damages  
5 4. For an award of prejudgment interest;  
6 5. For such other relief as the Court deems just and proper.

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9 DATED: October 30, 2018

THE LAW OFFICE OF TERRENCE JONES

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11

Terrence Jones

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Attorneys for Plaintiff PAULINE MEDINA

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**VERIFICATION**

(Pursuant to C.C.P. § 446)

I, PAULINE MEDINA, hereby state, declare, and verify as follows:

1. I am the Plaintiff in the above-captioned matter. I have read the foregoing Verified Complaint for Damages and Demand for Jury Trial ("Complaint"), and know the contents thereof.

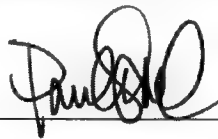
2. The information supplied therein is based on my own personal knowledge, knowledge personally provided or made available to me by my friends, family, associates, and legal counsel and other agents.

3. The information contained in the Complaint document is true, except as to the matters which are therein stated upon information and belief, and, as to those matters, I am informed and reasonably believe to be true.

\* \* \*

Under penalty of perjury in accordance with the law of the State of California, I declare the foregoing to be true and correct to the best of my knowledge and belief.

Executed this 30th day of October 2018, within Los Angeles County, California.



Pauline Medina

1. 1/1/19 11:11  
2. 1/1/19 11:11  
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Exhibit A

# Exhibit A



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

October 30, 2018

Terrence Jones  
6737 Bright Avenue, Suite B6  
Whittier, California 90601

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 201810-04073930  
Right to Sue: Medina / City of Los Angeles et al.

Dear Terrence Jones:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing

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**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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October 30, 2018

**RE: Notice of Filing of Discrimination Complaint**

**DFEH Matter Number: 201810-04073930**

**Right to Sue: Medina / City of Los Angeles et al.**

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

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**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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October 30, 2018

Pauline Medina

RE: **Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 201810-04073930  
Right to Sue: Medina / City of Los Angeles et al.

Dear Pauline Medina,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective October 30, 2018 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

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1                               **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                               **BEFORE THE STATE OF CALIFORNIA**  
3                               **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
4                               **Under the California Fair Employment and Housing Act**  
5                               **(Gov. Code, § 12900 et seq.)**

6                               **In the Matter of the Complaint of**

7                               Pauline Medina

DFEH No. 201810-04073930

8   Complainant,

9                               vs.

10                              City of Los Angeles  
11                              200 N. Spring Street Room 360  
12                              Los Angeles, California 90012

13                              Jose Huizar

14   Respondents

15                              1. Respondent **City of Los Angeles** is an **employer** subject to suit under the  
16                              California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

17                              2. Complainant **Pauline Medina**, resides in the City of State of .

18                              3. Complainant alleges that on or about **June 20, 2018**, respondent took the  
19                              following adverse actions:

20                              **Complainant was harassed** because of complainant's disability (physical or  
21                              mental), medical condition (cancer or genetic characteristic), age (40 and over).

22                              **Complainant was discriminated against** because of complainant's disability  
23                              (physical or mental), medical condition (cancer or genetic characteristic), age (40  
24                              and over), other and as a result of the discrimination was terminated, forced to quit,  
25                              reprimanded, demoted, denied a work environment free of discrimination and/or  
26                              retaliation, denied any employment benefit or privilege, denied reasonable  
27                              accommodation for a disability, denied work opportunities or assignments.

28                              **Complainant experienced retaliation** because complainant reported or resisted  
any form of discrimination or harassment, participated as a witness in a  
discrimination or harassment claim, requested or used a disability-related



1 accommodation and as a result was terminated, reprimanded, denied a work  
2 environment free of discrimination and/or retaliation, denied reasonable  
3 accommodation for a disability.

4 **Additional Complaint Details:** Complainant Pauline Medina was subjected to  
5 unlawful harassment, discrimination, and retaliation in violation of the Fair  
6 Employment and Housing Act (FEHA) on account of her: sick leave; disability;  
7 disability leave; and complaints of potential violations of local, state, and federal law.  
8 Complainant was employed by the City of Los Angeles (the "City") and worked for  
9 Jose Huizar, the City's Councilmember for its 14th District. At the time of her  
10 constructive termination on June 20, 2018, Plaintiff was employed as Huizar's office  
11 manager and lead administrator. Huizar constructively terminated Complainant from  
12 that position as retaliation for her FEHA-protected classes and activities. Among  
13 other reasons, Huizar demoted Ms. Medina as reprisal for: (i) voicing concerns and  
14 complaining about having to funnel City money to Huizar's high school alma mater;  
15 (ii) voicing concerns and complaining about having to secretly use City funds to pay  
16 for Huizar's personal expenses; (iii) voicing concerns and complaining about the  
17 preferential treatment Huizar was giving to a City staffer with whom he was having  
18 an extramarital affair; and (iv) taking disability and sick leave as recommended by  
19 her primary care physician. In response to Plaintiff's protected activities, from in or  
20 about October 2017 and continuing to in or about June 2018, Huizar and the City  
21 retaliated against Complainant, including, but not limited to: harassing and hassling  
22 Complainant both during and outside of normal work hours; stripping Complainant of  
23 certain duties and responsibilities she had long held in the office; stripping  
24 Complainant of access to Huizar's calendar; subjecting Complainant to  
25 unreasonable and unjustified criticism of her work; subjecting Complainant to  
26 unsympathetic criticism for taking time off for health reasons; and unjustifiably  
27 subjecting Complainant to an attendance audit by the City's Personnel Department.  
28 As a result of being stripped of any meaningful function with her employer,  
Complainant was constructively terminated. Huizar and the City intentionally  
created and knowingly permitted working conditions that were so intolerable that any  
reasonable and comparably-situated employee would be compelled to resign.

1 VERIFICATION

2 I, **Terrence Jones**, am the **Attorney** in the above-entitled complaint. I have read the  
3 foregoing complaint and know the contents thereof. The matters alleged are based  
4 on information and belief, which I believe to be true.

5 On October 30, 2018, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

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**Whittier, California**